

**Minutes of Meeting  
Grafton Planning Board  
August 27, 2012**

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GRAFTON, MA.

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A regular meeting of the Grafton Planning Board was held on August 27, 2012 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Stephen Qualey, Vice-Chair David Robbins, Robert Hassinger, Michael Scully and Associate Member Sargon Hanna. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Qualey called the meeting to order at 7:00 p.m.

**ACTION ITEM 1-A – NOMINATE NEW PLANNING BOARD MEMBER AS CLERK**

**MOTION** by Chairman Qualey, **SECOND** by Mr. Robbins, to nominate Michael Scully as Clerk.

Mr. Scully accepted the nomination.

**MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-B – CONSIDER DECISION – SP 2012-10 PAUL SAUVAGEAU & LAURA TINO – 163 BRIGHAM HILL ROAD – ACCESSORY APARTMENT**

Mr. Bishop informed the Board that Findings F-6 & F-7 addressed the issue of having only three bedrooms to meet the requirements of the septic deed restriction and Condition #4 to ensure compliance with septic restriction.

Mr. Robbins noted several corrections within the decision.

**MOTION** by Mr. Robbins, **SECOND** by Mr. Scully, to make favorable findings for F-1 through F-27 with the corrections noted.

**DISCUSSION:** Chairman Qualey appointed Mr. Hanna as a voting member.

**MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Robbins, **SECOND** by Mr. Hassinger, to grant Waivers W-1 through W-6 with the correction noted. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant Special Permit SP 2012-10 with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

**ACTION ITEM 1-C – CONSIDER ARTICLE FOR TOWN MEETING WARRANT – SIGN BY-LAW**

Mr. Robbins informed the Board that he had distributed the revised sign by-law proposals, noting that the definitions were revised to distinguish between a general category of automatically

changeable signs and signs whose message is displayed by electronic means such as LED. Mr. Robbins stated this new distinction between Automated Variable Message Signs and Changeable Electronic Variable Message Signs will be useful in applying the proposed rules regarding message signs. Mr. Robbins noted there was also discussion regarding potential restrictions regarding colors and size, two of the possible restrictions the Board may wish to regulate or limit.

Steven Burke, Vice-Chair of the Sign By-Law Committee, reviewed what the Board had discussed at the last meeting in his absence, and stated that additionally the Committee had utilized online survey input from the public to conclude that the public tolerance was for a limited number of electric signs in a certain area. Mr. Robbins cautioned that being restrictive can be unfair to business owners and that the Board needs to clearly define what they would like to see without being restrictive.

Mr. Bishop informed the Board that September 14 was the internal warrant article deadline and the Sign by-Law proposal article will need to be finalized in order to meet the legal ad deadline of August 31<sup>st</sup> for a public hearing on September 24<sup>th</sup>.

Chairman Qualey received unanimous consent to table the Action Items until later in the meeting.

#### **DISCUSSION ITEM 2-A SUPER PARK – GEORGE PRUNIER**

Mr. Prunier updated the Board on the current status of the Super Park, noting that Mr. Scully has a layout plan of the playground for 25 Worcester Street, has completed a traffic study with recommendations, is looking for a landscape architect for the plans, and will be submitting a warrant article to October Town Meeting for CPC help in funding.

#### **PUBLIC HEARING**

#### **MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP 2012-11) WESTERLY SIDE GRAFTON LLC, (APPLICANT) – “GRAFTON HILL” SUBDIVISION – WESTERLY SIDE GRAFTON LLC, ROCKY ROAD REALTY TRUST, ROBERT B. MCINNIS & ABBY MCINNIS TRUST, (OWNERS)**

Mr. Scully read the legal notice and Chairman Qualey opened the public hearing. Present for the hearing was George Connors of Connorstone Engineering, representing Francis Noel, Jr. and Brian McCann, Trustee.

Mr. Connors reviewed the 41-unit Conventional and 40 lot Flexible Subdivision Plans. Mr. Connors stated the proposed Flexible Plan open space development consists of around 40 cluster lots on 64 acres comprised of three separate parcels of land; lies within the R40 and R20 zones; has frontage on both North Street and Worcester Street with the entrance located at Clearview Road; allocation of 39.7 acres reserved as open space and 4.6 acres for the Grafton Housing Trust; public water and sewer; and about 3,000 feet of roadway. Mr. Connors noted the area has bordering vegetated wetlands and isolated wetlands, for which delineation has been submitted to the Conservation Commission. Mr. Connors stated the proposed Conventional Plan consisted of a roadway through the site connecting North Street to Worcester Street; a total of 33 lots with 25

single-family dwellings (including an existing home on Worcester Street) & 8 duplex units for a total of 41 total dwelling units; approximately 4,670 linear feet of roadway with a short cul-de-sac, wetland crossing and railroad crossing; public sewer and possibility of a looped water main for public water. Mr. Connors also noted that there is far less impact to the development site with the proposed Flexible Plan, specifically concerning the wetland disturbances, roadway length and cut-through traffic between North Street and Worcester Street.

Chairman Qualey remarked that the true delineation of the wetlands is a major issue with the project and will definitely alter the plans submitted. Chairman Qualey also noted there were several Town Department comments on the project that will need to be addressed.

Mr. Hassinger noted he was the only Board member who has participated in a complete subdivision approval process from special permit through Town acceptance, and is quite familiar with what is expected. Mr. Hassinger added that he is having trouble figuring out exactly what the Conventional Subdivision will look like and is interested as to why there is no documentation from the railroad concerning their involvement depicted on the plan. Mr. Hassinger added that also required is a traffic study regarding both development plans; reminded Mr. Connors that the traffic study results can change a roadway from minor to major; that there is substantial wetlands impact evident in the Graves Engineering review comments; and there appear to be issues with the roadways shown on the plans with regard to what is allowed in the Subdivision Rules & Regulations.

Mr. Connors stated the traffic study was being completed and should be ready within a few weeks.

David Wheat of 19 Virginia Circle questioned what the two triangular sections were at the bottom of the plan. Mr. Connors explained the open space associated with the Flexible development plan.

Melissa Durfee of 104 North Street stated she was confused after reading the narrative as to how many homes there would be with the Conventional Plan and asked if the Town would be instituting a practice she had read about in the Town of Hopkinton concerning requiring a developer to be charged a fine in relation to the impact his development would have on Town services. Mr. Connors stated the Conventional Plan consisted of 25 single homes, including an existing home on Worcester Street and 8 duplex units. Mr. Bishop noted the fee spoken about is an impact fee and is not permitted in Massachusetts.

Ronald Lalone of 11 Virginia Circle informed the Board that his property abuts the McInnis property, that the water is percolating in the area, and the water flowing through the Warren Road area inundates the whole area. Mr. Lalone also inquired as to where the right of way was located, if the project was scheduled to be constructed in phases, and what is the buffer zone to the homes on Virginia Circle.

Mr. Connors stated the construction will be quite a distance from Virginia Circle. Mr. Bishop added that the Conservation Commission will control the amount of construction being done at one time, specifically regarding erosion control measures, prior to the construction phasing.

Chairman Qualey noted that the Flexible Plan will require a pumping station to be built and that the Sewer Department comments stated they preferred the Conventional Plan.

Michael Robbins of 6 Warren Street expressed concerns that Grafton appeared to be moving towards Shrewsbury's practices of shoe-horning homes on all available land. Mr. Robbins added that he had serious concerns regarding environmental and wetlands impacts, open space dwindling, and ultimately changing the character and nature of Grafton itself.

Owen Carr of 84 North Street asked the Board why the homes were laid out at 12,000 square feet when they are in Residential 20 & Residential 40 zoning districts. Mr. Hassinger explained the cluster lots allowed with a Flexible Plan are a trade off associated with designated open space for the Town and less impact on the land area. Mr. Carr also expressed traffic concerns for the newly paved North Street, specifically if the area becomes a cut-through to Worcester Street.

Eric Anderson of 4 Virginia Circle expressed concerns of an elevated traffic situation already on the Route 140 side of the project, noting there were no crosswalks, specifically referring to the new Super Park area; and the sidewalks were either non-existent or in complete disrepair. Mr. Anderson asked if a feasibility study had been performed to determine if there was even an economic demand for this housing project development; and at what point is a determination made by the Board for a choice of the plans submitted. The Board responded that the wetlands will have a big impact on the plan choice and that once that choice is made; the developer has 7 days to respond to the choice.

Raymond Baril of 57 North Street informed the Board that his home was at the top of the project and there are significant water table problems already, particularly in the spring when the water table will rise up thru the floor of his home. Mr. Baril also stated that his son lives at 12 Clearview Street dealing with his property wet all the time and forcing him to dig trenches along the sides of the street to direct the water away from his home. Mr. Baril questioned how much more of a backup there will be with the digging out of the project area if the water table is currently excessively high and asked the Planning Board to consider the existing wetlands and what is best for Grafton.

Charles Hurley of 22 Snow Road stated he was a member of the American Legion Post located just below the access point at 52 Worcester Street and that water was a major issue already at this point. Mr. Hurley noted there were 2 intermittent brooks, one to the right and one to the left, and with increased water flow the entire area is totally inundated with water, specifically into the Carroll Road intersection at the light which becomes completely flooded.

Edward Fritz of 16 North Street informed the Board that there was also a tremendous amount of water in his area just around the ball park, which has an elaborate drainage system to handle the water table in this area. Mr. Fritz added that a lot of vegetation will be removed in preparation for this project and can only see the water situation becoming much worse for everyone surrounding the proposed project area.

Ronald Rizzi of 61 North Street asked the Board how the process of vetting the project was handled, specifically how this type of project will affect the quality of life for all of those people surrounding the project area. Mr. Hassinger noted that this point was pretty hard to speak to, adding that the Board has to operate under Massachusetts laws reflecting it's my property and I

can do what I want. Mr. Hassinger suggested anyone with these concerns should read the Grafton Subdivision Rules & Regulations, Zoning By-Law and the Chapter 40 & 41 Mass General Laws to get an idea of what the Planning Boards can and cannot do. Mr. Robbins added the Board can address some of the issues to some extent and they do try to take into account as much as they can, but there are limits to their authority and what they can do.

Melissa Durfee of 104 North Street expressed concerns with the water table for all of the people in the area with artesian wells and noted that much of the established vegetation around the area can be extremely sensitive to the changes in the water table.

Charles Proulx of 12 Old Westboro Road informed the Board that he has spent time hiking the proposed project area and there is no way anything can be built in this extremely wet area.

Mr. Hassinger reaffirmed that the applicant is currently before the Conservation Commission, who is checking the area thoroughly, and will report on the developing ability of the site; and adding that much of the water problem will be covered in the Definitive Plan process.

Ronald Rizzi of 61 North Street stated that he had attended the Conservation Commission meeting and learned that they had hired a man to walk the property and prepare a report on the conditions existing in the area.

Mr. Bishop clarified that any activity within 100 feet of a resource area under the Conservation Commission triggers an inspection with a complete review and approval issued.

Mr. Robbins suggested anyone with information concerning the area meet with the Conservation agent during the day for an exchange of pertinent information on the area.

Owen Carr of 84 North Street asked if there will be a meeting to evaluate the traffic study and was told the study, which is done by professional engineers, will be submitted and discussed at a continued meeting date.

Michael Urban of 41 Old Upton stated he was curious of the lack of documentation of the railroad's approval of the proposed crossing for the project. Mr. Urban also inquired if there is additional complexity when the Town takes over a roadway if there is a railroad crossing over it. Mr. Hassinger added the applicant will have to submit a fully credible building plan.

Brook Padgett of 23 North Street remarked that there is still lots of information missing regarding this submitted application and that when a legitimate plan comes in he will comment on the project.

Mr. Hassinger added that the project has two rounds to go through with the Conservation Commission: one, the delineation, which will set where the protected areas are, and two, will they allow the impact of a roadway to be built, which they are only permitted to allow limited impact on wetlands.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Scully, to grant the applicant's written request to continue the public hearing to September 24, 2012 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

Chairman Qualey received unanimous consent to resume Action item 1-C regarding the proposed article for the Sign By-Law.

The Board discussed the revised definitions submitted regarding the automated variable message signs and the changeable electronic variable message signs and the distinctions between the two types of signs. Mr. Hassinger noted that with regard to Section 4.4.1.1, #8, the language stating a person shall be available 24 hours a day, seven days a week, should be rewritten to state more realistically that a contact shall be available, etc. The Board discussed further the term use of public service use, various aspects of setting limitations, such as the number of signs, spacing, intensity of light and number of free standing signs per lot.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Scully, to extend the Planning Board meeting beyond 10:00 p.m. **MOTION** carried unanimously 4 to 0.

The Board also discussed whether or not to regulate brightness and size, deciding that the brightness shall be regulated by automatic control with regard to light conditions. The Board further discussed the use and limitation of colors, deciding that the message displayed shall be composed of one foreground color and one contrasting background color.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to add language to section 4.4.3.2 limiting the display surface of the CEVMS sign.

**MOTION** and **SECOND WITHDRAWN** by Mr. Hassinger and Mr. Robbins.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to add language to section 4.4.3.2 as item 12 under subsection C of subsection 2 that the message display area of a changeable electronic variable message sign shall be no greater than 40% of the maximum area permitted by this section. **MOTION** fails by roll call vote: Scully-aye, Hassinger-nay, Qualey-aye, Robbins-nay.

Chairman Qualey announced a five minute break in the meeting due to the long meeting.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to direct Staff to move ahead to schedule a public hearing for the proposed Sign By-Law article for the October Town Meeting. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 1-D CONSIDER ARTICLE FOR TOWN MEETING WARRANT – VILLAGE MIXED USE**

Mr. Bishop informed the Board that he had spoken to Town Counsel about using a condensed paragraph of the actual article for the legal notice which will include all of the essential information

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to move ahead to schedule a public hearing for the proposed Village Mixed Use article for the October Town Meeting. **MOTION** carried unanimously 4 to 0.

Chairman Qualey read correspondence from the Town Administrator thanking the Planning Board for their work and help with the Follette Street Solar farm.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to send a few words to the Town Administrator acknowledging his thanks. **MOTION** carried unanimously 4 to 0.

### **MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Robbins, **SECOND** by Mr. Hassinger, to approve the open session minutes of August 13, 2012 as drafted. **MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to adjourn the meeting. **MOTION** carried unanimously 4 to 0.

The meeting was adjourned at 10:35 p.m.

### **EXHIBITS**

- **Action Item 1B: Consider Decision – Special Permit (SP 2012-10) Paul Sauvageau & Laura Tino; 163 Brigham Hill Road – Accessory Apartment**
  - Draft Planning Board Decision, dated August 23, 2012, 8 pages.
- **Action Item 1C: Consider Article for Town Meeting warrant – Sign By-Law**
  - Electronic Sign Bylaw Proposal Update, prepared by David Robbins, dated and received August 27, 2012, 1 page.
  - Zoning Bylaw: Sign Sections with Proposed Electronic Sign Amendments, prepared by David Robbins, revised August 27, 2012, received August 27, 2012, 11 pages.
- **Item 5: Minutes of Previous Meeting**
  - Grafton Planning Board, August 13, 2012, 11 pages.
- **Public Hearing 9A: SP 2012-10 Paul Sauvageau Jr. & Laura Tino – Application for Special Permit and Site Plan Approval for an accessory apartment, 163 Brigham Hill Road**
  - Application Packet submitted by the Applicant / Owners, dated and received July 9, 2012; including the following:
    - Correspondence from Connorstone Engineering, Flexible Development Special Permit / Preliminary Subdivision Approval, Major Residential Special Development, North Street, Grafton, MA; dated June 27, 2012, 1 page.
    - Application for Special Permit, dated June 29, 2012, 1 page.
    - Application for Site Plan Approval, dated June 29, 2012, 1 page.
    - Attachment A – List of Property Owners, 1 page.

- Certificate of Good Standing – 48 Worcester Street, signed by the Treasurer / Collector's Office on June 22, 2012, 1 page.
- Certificate of Good Standing – 12 Clearview Street, signed by the Treasurer / Collector's Office on June 22, 2012, 1 page.
- Certificate of Good Standing – 52 Worcester Street, signed by the Treasurer / Collector's Office on June 22, 2012, 1 page.
- Project Information Summary, Grafton Hill, prepared by Connorstone Engineering, Inc., 11 pages.
- Project Description / Narrative, prepared by Connorstone Engineering, Inc., 9 pages.
- Locus Map, 1 page.
- o Project Review Memorandum, Assessor's Office, received July 30, 2012, 3 pages.
- o Correspondence from Graves Engineering, Grafton Hill Preliminary Plan and Special Permit Review, dated July 30, 2012, received August 1, 2012, 5 pages.
- o Project Review Memorandum, Sewer Department, received August 2, 2012, 2 pages.
- o Correspondence from Grafton Water District, MRSP 2012-11, dated August 10, 2012, received August 14, 2012, 1 page.
- o Project Review Memorandum and correspondence, Police Department, received August 24, 2012, 2 pages.
- o Plan Set, 11"x 17", black & white, Flexible Preliminary Plan, Grafton Hill, Grafton, MA; prepared by Connorstone Engineering, dated April 23, 2012, 10 sheets including the following:
  - Sheet Index – 1 sheet
  - Topo / Utility Plan – 6 sheets
  - Road Profile – 3 sheets
- o Plan Set, 11"x 17", black & white, Conventional Preliminary Plan, Grafton Hill, Grafton, MA; prepared by Connorstone Engineering, dated April 23, 2012, 10 sheets including the following:
  - Sheet Index – 1 sheet
  - Topo / Utility Plan – 6 sheets
  - Road Profile – 5 sheets
- o Project Review Memorandum, Conservation Commission, received August 27, 2012, 3 pages.
- o Correspondence from Connorstone Engineering, Grafton Hill Preliminary Subdivision, North Street, Grafton, MA; received from Applicant at the August 27, 2012 Public Hearing, 3 pages.
- o Plan Set, 24" x 36", black & white, Flexible Preliminary Plan, Grafton Hill, Grafton, MA; prepared by Connorstone Engineering, dated April 23, 2012, revised August 30, 2012, received from the Applicant at the August 27, 2012 Public Hearing, 10 sheets including the following:
  - Sheet Index – 1 sheet
  - Topo / Utility Plan – 6 sheets



- Road Profile – 3 sheets
- Plan Set, 24" x 36", black & white, Conventional Preliminary Plan, Grafton Hill, Grafton, MA; prepared by Connorstone Engineering, dated April 23, 2012, revised August 30, 2012, received from the Applicant at the August 27, 2012 Public Hearing, 10 sheets including the following:
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Michael Scully, Clerk

